

From the Upper Chamber



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Report for Monday, March 13, 2006

The thirtieth day of the 2006 legislative session was called to order by Lieutenant Governor **Mark Taylor**.

Senator **Don Balfour** of the 9th stated that the journal had been read and was found to be correct.

Senate Bill 664; Senate Resolutions 1133, 1134, 1136, 1137 and 1139; House Bills 239, 695, 834, 841, 893, 1006, 1030, 1073, 1090, 1120, 1178, 1246, 1301, 1313, 1316, 1320, 1341, 1421, 1435, 1496, 1519, 1521-1527, 1529-1534, 1544, 1545, 1554, 1555 and 1566; and House Resolutions 773, 1306, 1491 and 1548 were read for the first time and assigned to their respective Committees.

Following the reports of Standing Committees and the second reading of Bills and Resolutions, the morning roll call was taken.

Lt. Gov. **Taylor** then recognized Sen. **Don Thomas** of the 54th to lead the Senate in the Pledge of Allegiance. Sen. **Thomas** of the 54th then introduced the *Chaplain of the Day*, Reverend **Ray Camp** of Pleasant Grove United Methodist Church of Dalton, who led the Senate in the daily devotional.

There were no unanimous consents.

Sen. **Joseph Carter** of the 13th took the well on a Point of Personal Privilege to speak to the courthouse shootings of March 11, 2005. He also spoke to courthouse security legislation, which passed the Senate earlier this session.

President Pro Tempore **Eric Johnson** of the 1st took the well on a Point of Personal Privilege to thank the Secretary of the Senate's office and to wish Senate reader **Diana Lee** a happy birthday.

Sen. **Chip Rogers** of the 21st took the well to speak to the death of the father of one of his pages.

Privileged Resolutions 1115, 1132, 1133, 1135, 1138 and 1140-1142 were read and adopted.

The Local Consent Calendar, consisting of SB 644 and 652 and HB 491, 1161, 1414, 1415, 1434, 1469, 1478 and 1515, passed by a vote of 44 to 0.

The Consent Calendar for Commemorative Resolutions, consisting of SR 126, 374, 873, 1028, 1034, 1093 and 1094, passed by a vote of 44 to 0.

Sen. **Balfour** moved for unanimous consent to remove SB 568 and 294 from the rules calendar, and to place SB 306 in the place of SB 568. There was no objection, and the calendar was reordered.

The Secretary then read SR 804, which creates a North Fulton Boundary Commission. Sen. **Dan Moody** of the 56th took the well to present the resolution.

The Committee Substitute was adopted by a vote of 42 to 0.

SR 804 was adopted by a vote 50 to 0.

SR 817 was read, and Sen. **David Shafer** of the 48th took the well to speak to the resolution, which proposes a constitutional amendment to restrict amendments that increase appropriations made by the General Appropriations Act.

The Committee Substitute was adopted by a vote of 33 to 0.

SR 817 was adopted by a vote 48 to 2.

SR 1081 was then read. The resolution, which creates the Georgia Broadband Education Task Force, was presented by Sen. **Mitch Seabaugh** of the 28th.

SR 1081 was adopted by a vote 50 to 0.

The Secretary read SR 1085, which provides for a constitutional amendment that will create exclusions for taxpayers 62 years of age or older and a complete income exclusion for taxpayers 65 years of age or older. Sen. **Casey Cagle** of the 49th took the well to present the resolution. He yielded to questions from Sen. **George Hooks** of the 14th.

Sen. **Tim Golden** of the 8th took the well to present Amendment 1, which increases the \$50,000 exemption for retirees to \$75,000. He yielded to questions from Senators **Seth Harp** of the 29th and **Preston Smith** of the 52nd.

Sen. **Doug Stoner** of the 6th took the well to present Amendment 1a, which further modifies the senior citizen exclusion proposed by SR 1085.

Amendment 1a was adopted by a vote of 42 to 9.

Amendment 1 was adopted as amended by a vote of 35 to 5.

SR 1085 was adopted as amended by a vote of 49 to 2.

The Secretary read SB 191, which relates to the Environmental Advisory Council and its ability to expedite the review of permits under contract. Sen. **Ross Tolleson** of the 20th took the well to present the Committee Substitute.

The Committee Substitute to SB 191 was adopted by a vote of 31 to 0.

SB 191 passed by substitute by a vote of 48 to 0.

The Secretary read SB 223, which provides for the development and implementation of the statewide Building Mapping Information System. Sen. **Ed Harbison** of the 15th took the well to present the Committee Substitute, and to urge its passage.

The Committee Substitute to SB 223 was adopted by a vote of 34 to 0.

SB 223 passed by substitute by a vote of 47 to 0.

The Secretary read SB 431, which gives the Department of Transportation powers to order the removal and relocation of utility facilities occupying any part of the public road system. Sen. **Jim Whitehead, Sr.** of the 24th took the well to present the bill, stating the bill had been discussed at length in several committee and subcommittee meetings.

The Committee Substitute to SB 431 was adopted by a vote of 32 to 0.

SB 431 passed by substitute by a vote of 48 to 0.

Sen. **Vincent Fort** of the 39th took the rostrum to introduce the *Doctor of the Day*, Dr. **Rutledge Forney** of Atlanta.

The Secretary read SB 491, which increases penalties for a person convicted of a fifth or subsequent DUI offense. Sen. **Nancy Schaefer** of the 50th took the well to present the bill, which provides for a felony charge for repeat DUI offenders. She yielded to questions from Sens. **Michael Meyer von Bremen** of the 12th, **John Wiles** of the 37th and **Balfour**.

SB 491 passed by a vote of 42 to 0.

The Secretary read SB 541, which provides that no person shall transmit to an electronic address in Georgia any message that contains advertising material for viewing, use, consumption, sale, lease or rental only by persons over 18 years of age unless the first eight characters of the subject line are ADV:ADLT. Sen. **Judson Hill** of the 32nd took the well to present the bill, which aims to prevent the distribution of adult content via email to minors in Georgia. He also spoke to Amendment 1, which makes minor change in language.

Amendment 1 was adopted by a vote of 38 to 0.

The Committee Substitute was adopted as amended by a vote of 37 to 0.

SB 541 passed by substitute by a vote of 48 to 0.

The Secretary read SB 565, which creates the Georgia Trauma Care Network Commission. President Pro Tempore **Johnson** took the well to present the bill on behalf of Sen. **Cecil Staton** of the 18th.

SB 565 passed by a vote of 50 to 0.

The Secretary read SB 306, which changes provisions relating to the effect of release or covenant not to sue on hospitals and other medical provider liens. Sen. **Harp** took the well to present the bill, stating it simply clears up confusion in current Georgia code.

The Committee Substitute to SB 306 was adopted by a vote of 31 to 0.

SB 306 passed by a vote of 50 to 0.

The Secretary read SB 578, which alters the Department of Human Resources rules and regulations concerning commercial waste tank trucks. Sen. **Whitehead** took the well to present the bill, and to urge its passage.

SB 578 passed by a vote of 47 to 0.

SB 582 was read, which authorizes the State Board of Regents to promulgate rules and regulations for a home study program for students in the University System. Sen. **Chip Pearson** of the 51st took the well to present the bill, and to urge its passage.

SB 582 passed by a vote of 50 to 0.

The Secretary read SB 585, which provide that executions for ad valorem property taxes or assessments shall be governed exclusively by Title 48. Sen. **Shafer** took the well to present the bill, saying it came about upon the request of the Fulton County Board of Education. He yielded to questions from Sens. **David Adelman** of the 42nd, **Balfour, Fort** and **Kasim Reed** of the 35th.

Sen. **Fort** took the well to speak against the legislation.

The Committee Substitute to SB 585 was adopted by a vote of 29 to 1.

SB 585 passed by substitute by a vote of 49 to 4.

The Secretary read SB 588, which will prohibit the display of private social security numbers in certain circumstances. Sen. **Chip Rogers** of the 21st took the well to present the Committee Substitute.

Sen. **Steve Thompson** of the 33rd took the well to present Amendment 1, which increases penalties for those who fraudulently use a social security number or other forms of identification to gain employment in Georgia. He yielded to questions from Sens. **Brian Kemp** of the 46th, **Rogers** and **Harp**.

Sen. **Rogers** took the well to present Amendment 1a, which adds minor language to Amendment 1.

Amendment 1a was adopted by a vote of 35 to 0.

Sen. **Thompson** of the 33rd moved for a vote of yeas and nays on Amendment 1.

Amendment 1 as amended by Amendment 1a was adopted by a vote of 49 to 3.

The Committee Substitute was adopted as amended by a vote of 47 to 0.

SB 588 passed by substitute by a vote of 51 to 1.

The Secretary read SB 596, which provides for the creation of the Newborn Umbilical Cord Blood Initiative. Sen. **Shafer** took the well to present the Committee Substitute and Amendment 1.

Sen. **Adelman** took the well to express his support for stem cell research initiatives in the U.S.

Amendment 1, which names the legislation *Keyone's Law*, was adopted by a vote of 42 to 0.

The Committee Substitute was adopted as amended by a vote of 43 to 0.

SB 596 passed by substitute by a vote of 54 to 0.

The Secretary read SB 597, which provides for the recovery of certain appeals costs by taxpayers when they appeal their yearly property tax assessment. Sen. **Pearson** took the well to present the legislation and to urge its passage. He yielded to questions from Sen. **Thompson** of the 33rd.

SB 597 passed by a vote of 54 to 0.

The Secretary read SB 603, which allows an advanced practice registered nurse to issue prescription drug orders and provide professional samples, order diagnostic studies, medical devices and, in certain life-threatening situations, to order radiographic imaging.

Sen. **Thomas** of the 54th took the well to present the bill, and to outline its provisions. He urged the Senate to vote down Amendment 1.

The Secretary read Amendment 1, and Sen. **Tolleson** took the well to explain it. He yielded to questions from Sens. **Thompson** of the 33rd, **Kemp**, **Renee Unterman** of the 45th and **Steve Henson** of the 41st.

Sen. **Smith** took the well to present Amendment 1a and 2, which would make all nurse protocol agreements subject to review by the Composite State Board of Medical Examiners. He yielded to questions from Sens. **Henson** and **Hill** of the 32nd.

Sen. **Adelman** took the well to speak in favor of Amendment 1.

Sen. **Wiles** took the well to speak against Amendment 1. He yielded to questions from Sen. **Tolleson**.

Sen. **Robert Brown** of the 26th took the well to urge support of Amendment 1. He yielded to questions from Sens. **Kemp** and **Hooks**.

Sen. **Hill** of the 32nd took the well to speak in support of SB 603 and against Amendment 1.

Sen. **Thomas** of the 54th took the well to conclude the debate on SB 603. He asked the Senate to vote for the Committee Substitute and against Amendment 1.

The Secretary read Amendment 1b, which basically strikes all of the language of Amendment 1.

Amendment 1b failed by a vote of 23 to 28.

Amendment 1a failed by a vote of 27 to 27.

Amendment 1 was adopted by a vote of 29 to 26.

Amendment 2 failed by a vote of 26 to 28.

The Secretary read Amendment 3. Sen. **Hill** of the 32nd then moved to withdraw Amendment 3.

The Committee Substitute to SB 603 was adopted as amended by a vote of 46 to 5.

SB 603 passed by substitute by a vote of 55 to 0.

After returning from a lunch break, the Secretary read SB 618, which changes certain provisions relating to eligibility of enrollment in education programs for children in the custody of the Department of Juvenile Justice or the Department of Human Resources. Sen. **Moody** took the well to present the bill.

The Committee Substitute was adopted by a vote of 29 to 0.

SB 618 passed by substitute by a vote of 38 to 0.

SB 619 was then read and Sen. **Kemp** took the well to explain the bill, which provides for a special license plate supporting programs for persons with brain-related disorders and disabilities.

SB 619 passed by a vote of 43 to 0.

The Secretary then read SB 620, which provides for the imposition of fees by motor vehicle rental companies with respect to certain motor vehicle fees and taxes. Sen. **Carter** took the well to present the bill.

SB 620 passed by a vote of 45 to 1.

SB 624 was read. The bill provides for a sixth judge of the superior courts of the Coweta Judicial Circuit. Sen. **Seabaugh** took the well to present the bill.

The Committee Substitute was adopted by a vote of 39 to 0.

SB 624 passed by substitute by a vote of 48 to 0.

The Secretary then read SR 853, and Sen. **Hill** of the 32nd took the well to present the resolution, which creates the Hospital Health Care Standards Commission.

The Committee Substitute was adopted by a vote of 35 to 0.

By a vote of 48 to 0, SR 853 was adopted by substitute.

SB 636 was read, and Sen. **John Bulloch** of the 11th took the well to present the bill, which defines the term "biodiesel fuel."

The Committee Substitute was adopted by a vote of 43 to 0.

SB 636 passed by substitute by a vote of 51 to 0.

The Secretary then read SB 637, relating to *Joshua's Law*, which changes the membership of the Georgia Driver's Education Commission and repeals a priority concerning the distribution of fines and forfeitures. Sen. **Smith** took the well to explain the bill.

SB 637 passed by a vote of 51 to 0.

SB 638 was read, and Sen. **Ronnie Chance** of the 16th took the well to present the bill, which allows a person claiming a lien on an aircraft for labor and materials or for

contracts of indemnity to file a statement giving notice of his or her intention to claim a lien with the clerk of the superior court within the county that the service was provided.

SB 638 passed by a vote of 52 to 0.

The Secretary then read SB 610. Sen. **Moody** took the well to present the bill, which relates to charter schools and provides that nothing shall preclude the use of computer and Internet-based instruction for students in a virtual or remote setting. He yielded to questions from Sens. **Thomas** of the 2nd and **Fort**.

SB 610 passed by a vote of 53 to 0.

The Secretary then read SB 613, which changes certain provisions relating to authority of the Commissioner of Agriculture to provide for safety and security at farmers' markets and provide for law enforcement on the premises of farmers' markets. Sen. **Bulloch** took the well to present the bill.

SB 613 passed by a vote of 53 to 1.

SB 622 was read and Sen. **Ed Tarver** of 22nd took the well to present the bill and the amendments. The bill, relating to hospital acquisition, changes certain provisions relating to notice of acquisition to the Attorney General. It also changes provisions relating to content and form of notice to the Attorney General, fees and retention of experts. He yielded to questions from Sens. **Wiles**, **Whitehead**, **Balfour**, **J.B. Powell** of the 23rd, **Jeff Mullis** of the 53rd and **Brown**.

The Committee Amendment was adopted by a vote of 48 to 0.

Amendment 1 was adopted by a vote of 44 to 0.

SB 622 passed as amended by a vote of 55 to 0.

The Secretary then read SB 402, which creates a free distinctive license plate for recipients of the Bronze Star. Sen. **Emanuel Jones** of the 10th took the well to present the bill.

The Committee Substitute was adopted by a vote of 40 to 0.

SB 636 passed by substitute by a vote of 54 to 0.

Sen. **Balfour** moved that SB 555 be dropped to the foot of the calendar. Without objection, the motion carried and the calendar was reordered.

SB 1030 was read, and Sen. **Fort** took the well to present the bill, which creates a Georgia Capital Punishment Study Commission to conduct a study of the death penalty. He also spoke took Amendment 1, which deletes any reference to a moratorium on the death penalty. He yielded to questions from Sen. **Thompson** of the 33rd.

Sen. **Seabaugh** moved for a roll call vote on Amendment 1.

Amendment 1 passed by a vote of 48 to 1.

SR 1030 failed by a vote 17 to 33.

The Secretary then read SB 594, which provides for weighting of grades for honors, advanced placement and international baccalaureate courses for purposes of determining eligibility for postsecondary scholarships, grants or loans. Sen. **Meyer von Bremen** took the well to explain the bill.

SB 594 passed by a vote of 53 to 0.

SB 572 was read, and Sen. **Greg Goggans** of the 7th took the well to present the bill, which establishes and defines a crime of medical assistance managed care fraud.

The Committee Substitute was adopted by a vote of 36 to 0.

SB 572 passed by substitute by a vote of 52 to 0.

The Secretary then read SB 574, and Sen. **Bulloch** took the well to present the bill, which provides that no municipal corporation shall be incorporated which has the same name as an existing municipal corporation or a name, which is confusingly similar to that of an existing municipal corporation. He yielded to questions from Sen. **Thompson** of the 33rd.

SB 574 passed by a vote of 49 to 0.

SB 248, which provides for the delivery of certain services and techniques to deaf-blind individuals by an organization knowledgeable on deaf-blind issues, was then read. It also provides that the Division of Rehabilitation Services to Department of Labor integrates the services and techniques into its standard practices and procedures. Sen. **Thomas** of the 2nd took the well to explain the bill, and yielded to questions from Sen. **Kemp**.

SB 248 passed by a vote of 51 to 0.

SB 249 was then read, and Sen. **Thomas** of the 2nd took the well to present the bill, which provides for the issuance of an original birth certificate to certain persons who were adopted. She yielded to questions from Sens. **Shafer, Smith, Douglas, Schaefer** and **Valencia Seay** of the 34th.

The Committee Substitute was adopted by a vote of 37 to 0.

SB 249 failed by a vote of 21 to 32.

The Secretary then read SB 101, which provides for requests that a hearing, trial or other proceeding be held before an elected judge of the superior or state court, as the case may be. Sen. **Wiles** took the well to explain the bill.

The Committee Substitute was adopted by a vote of 34 to 0.

SB 101 passed by substitute by a vote of 44 to 6.

SR 1104 was read, and Sen. **Harp** took the well to present the resolution, which proposes an amendment to the Constitution so as to authorize an exemption from the covenant requirement for bona fide conservation use property as to stream buffer areas for purposes of current use assessment for ad valorem taxation.

SR 1104 was adopted by a vote of 50 to 0.

The Secretary read SB 604, and Sen. **Harp** returned to the well to present the bill, relating to current use assessment for bona fide conservation use property, residential transitional property, application procedures, penalties for breach of covenant, classification on tax digest, and annual report. The legislation changes certain provisions relating to buffers adjacent to rivers or perennial streams, and provides for current use assessment for certain undeveloped land areas within buffer zones established by law or local ordinance adjacent to rivers, perennial streams or reservoirs.

The Committee Substitute was adopted by a vote of 41 to 0.

SB 604 passed by substitute by a vote of 49 to 0.

SB 602 was then read. The bill requires the privatization of one or more state facilities for the treatment of mental illness. Sen. **Smith** took the well to present the bill and to speak to the amendments. He yielded to questions from Sens. **Johnny Grant** of the 25th, **Zamarripa, Balfour, Unterman, Jones, Steen Miles** of the 43rd, **Jack Hill** of the 4th, **Brown** and **Hooks**.

Sen. **Grant** took the well to speak to his concerns with the legislation and to his Amendment 1, which would authorize, rather than require, the Department of Human Services to privatize. He yielded to questions from Sen. **Zamarripa**.

Sen. **Thompson** of the 33rd took the well to speak against the bill.

Sen. **Harbison** took the well to speak to Amendment 2, which ensures that West Central Georgia Regional Hospital will not be closed.

Majority Leader **Tommie Williams** of the 19th took the well to speak to his Amendment 4, which removes language referring to the West Central Georgia Regional Hospital.

Sen. **Harp** took the well to speak in support of the legislation.

Sen. **Balfour** took the well to support the bill. He yielded to questions from Sens. **Thompson** of the 33rd, **Henson**, **Powell** and **Harp**.

Sen. **Thompson** of the 33rd moved that SB 602 be tabled. There was an objection, and a call for the yeas and nays vote.

On the motion to table, the vote was 21 to 30, and the motion failed.

Sen. **Zamarripa** took the well to present Amendment 5, which deletes language requiring the privatization and instead creates a study committee to review the privatization of state facilities for the mentally ill.

Sen. **Smith** moved for a ruling on the germaneness of the Amendment 5. Lt. Gov. **Taylor** ruled that the Amendment was in order.

Sen. **Smith** then took the well to speak to his Amendments 1a, 2a, 3 and 5a and to close the debate on the bill.

Amendment 1a was adopted by a vote of 31 to 22.

Amendment 1 was adopted by a vote of 34 to 14.

Amendment 2a was adopted by a vote of 34 to 10.

Amendment 2 was adopted by a vote of 37 to 1.

Amendment 3 was adopted by a vote of 32 to 9.

Amendment 4 was adopted by a vote of 39 to 15.

Amendment 5a was adopted by a vote of 33 to 20.

Amendment 5 failed by a vote of 18 to 36.

Sen. **Grant** moved for a ruling of the chair on the need for a fiscal note. Lt. Gov. **Taylor** ruled the SB 602 out of order.

Sen. **Smith** moved to appeal the ruling of the chair to the Senate Parliamentarian.

Sen. **Cagle** moved to table SB 602.

Senate Parliamentarian **Johnson** ruled that no fiscal note would be required, and the bill is in order.

Sen. **Thompson** of the 33rd moved that the Senate adjourn.

Sen. **Grant** asked that Senate vote on the ruling of the Parliamentarian.

By a vote of 33 to 21 the ruling of the Parliamentarian was sustained.

On the motion to table, the vote was 25 to 29, and the motion failed.

On the motion to adjourn, the vote was 16 to 38 and the motion failed.

The Committee Substitute was adopted by a vote of 31 to 9.

SB 602 passed by substitute as amended by a vote of 29 to 25.

Sen. **Zamarripa** moved that the Senate reconsider its action on SB 602 and took the well to speak to his motion. The motion to reconsider will be the first order of business on Legislative Day 31.

SB 648 was read, and Sen. **Cagle** took the well to present the bill, which provides that the Department of Community Health shall establish a comprehensive program to monitor for and detect the provision of medical assistance benefits to ineligible individuals.

SB 648 passed by a vote of 49 to 3.

The Secretary then read SB 583, which provides a method for the waiver of the right to trial by jury in a criminal case. Sen. **Bill Hamrick** of the 30th took the well to present the bill.

SB 648 passed by a vote of 43 to 6.

Sen. **Bulloch** moved that SB 612 be moved to the foot of the calendar. Without objection, it was dropped.

SB 483 was read, and Sen. **Seay** took the well to present the bill, which provides that the Department of Transportation shall conduct a study of each county to identify road corridors along which synchronized traffic signals would significantly improve the flow of traffic.

The Committee Substitute was adopted by a vote of 36 to 0.

SB 483 passed by substitute by a vote of 51 to 1.

SB 550 was read, and Sen. **Thomas** of the 54th took the well to explain the bill, which requires the removal of mercury switches from automobiles prior to their disposal. He yielded to questions from Sens. **Harp**, **Dan Weber** of the 40th and **Jones**.

Sen. **Bill Heath** of the 31st took the well to speak to Amendment 1 and 1a, which remove language requiring automobile manufacturers to pay a fee for the removal of mercury switches. The amendments add language to provide that a person who is required to deliver

the certificate of a vehicle which is being scrapped to certify that all mercury switches have been removed. Under the amendments, any used motor parts dealer who sells such a vehicle to a scrap metal processor shall certify on the bill of sale that all mercury switches have been removed. He yielded to questions from Sens. **Thomas** of the 54th, **Balfour** and **Jones**.

Sen. **Henson** took the well to speak to the bill and to the subcommittee process in which several different versions of the bill were considered. He spoke in support of the bill and against the amendments. He yielded to questions from Sen. **Thompson** of the 33rd.

Sen. **Thomas** of the 54th took the well to speak against the amendments and to close the debate on the bill.

Amendment 1a was adopted by a vote of 23 to 11.

Sen. **Henson** moved for the yeas and nays vote on Amendment 1.

Amendment 1 was adopted by a vote of 25 to 24.

Sen. **Balfour** moved that the Senate reconsider its action on the Amendment. He then withdrew his motion.

The Committee Substitute as amended was adopted by a vote of 34 to 3.

SB 550 passed by substitute as amended by a vote of 51 to 0.

Sen. **Thomas** of the 54th then moved that the Senate adjourn.

On the motion to adjourn, the vote was 16 to 33 and the motion lost.

SB 422 was read, and Sen. **Unterman** took the well to explain the bill, which provides for the scope of practice for chiropractors.

Sen. **Thomas** of the 54th took the well to oppose the legislation.

Sen. **Wiles** took the well to oppose the bill. He yielded to questions from Sen. **Thomas** of the 54th.

Sen. **Hill** of the 32nd took the well to speak in opposition to the bill.

Sen. **Unterman** took the well to close the debate.

The Committee Substitute was adopted by a vote of 31 to 2.

SB 422 passed by substitute by a vote of 30 to 15.

Sen. **Thomas** of the 54th moved that Senate reconsider its action on SB 422. The motion to reconsider will be the first order of business on Legislative Day 31

Majority Leader **Williams** then moved that the Senate stand adjourned until Tuesday, March 14, at 10:00 a.m. Following the announcements, the Senate adjourned.

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